

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
Plaintiff,) Case No. MJ07-131
v.)
STEFAN TYRON MERCULIEF,) DETENTION ORDER
Defendant.)

Offense charged:

Aggravated Sexual Assault in violation of 18 U.S.C. §§ 1153 and 2241(c).

Date of Detention Hearing: March 21, 2007.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds the following:

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Pursuant to 18 U.S.C. §3142 (e), a rebuttable presumption exists that no conditions or combination of conditions exist short of detention that will reasonably assure the safety of the community or the appearance of the defendant in future Court proceedings.

The presumption is appropriately applied in this case.

(2) Defendant is charged with a violent and unprovoked attack as alleged in the complaint.

01 (3) Defendant has confessed to his participation in the acts complained of, stating
02 that he wanted to have sex with his wife, but when he could not find her, he decided to have
03 sex with the minor victim.

04 (4) Based on the nature of the pending charges, defendant is considered a flight
05 risk and a danger to the community. There appear to be no conditions or combination of
06 conditions other than detention that will reasonably address the risk of flight, or ensure the
07 safety of other children in the community pending trial.

08 IT IS THEREFORE ORDERED:

09 (1) Defendant shall be detained pending trial and committed to the custody of the
10 Attorney General for confinement in a corrections facility separate, to the
11 extent practicable, from persons awaiting or serving sentences or being held in
12 custody pending appeal;

13 (2) Defendant shall be afforded reasonable opportunity for private consultation
14 with counsel;

15 (3) On order of a court of the United States or on request of an attorney for the
16 government, the person in charge of the corrections facility in which
17 defendant is confined shall deliver the defendant to a United States Marshal
18 for the purpose of an appearance in connection with a court proceeding; and

19 (4) The Clerk shall direct copies of this Order to counsel for the United States, to
20 counsel for the defendant, to the United States Marshal, and to the United
21 States Pretrial Services Officer.

22 DATED this 22nd day of March, 2007.

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25 JAMES P. DONOHUE
26 United States Magistrate Judge